
Numbering Condition Binding Non-Providers

Unofficial Consolidated Version

About this document

On 12 December 2013, Ofcom set the telephone numbering condition binding non-providers.¹ There have been a number of modifications to the telephone numbering condition binding non-providers since it was first set, which Ofcom has made by way of notification under sections 48(1) and 59 of the Communications Act 2003.

This is an unofficial consolidated version of the telephone numbering condition binding non-providers which incorporates, for ease of reference, all the modifications made to the telephone numbering condition binding non-providers since December 2013 in a single document.

While every reasonable effort is made to ensure that the information provided in this document is accurate, no guarantees of the accuracy of information are made, and this document has no legal effect. Therefore, in relation to each specific amendment, you are advised to consult the relevant notifications, as these contain an explanation of the reasons for the decision to amend and the specific modifications that have been made.

For the avoidance of doubt, in the case of any difference between texts, the text set out in the notification of 12 December 2013 and any subsequent notification published on Ofcom's website shall take precedence over this unofficial version of the telephone numbering condition binding non-providers.

¹ https://www.ofcom.org.uk/data/assets/pdf_file/0027/57753/annexes.pdf, see Annex 12.

Numbering Condition Binding Non-Providers

Part 1: Definitions and Interpretation

1. In this Schedule:

“**Act**” means the Communications Act 2003;

“**Consumer**” means any natural person who uses or requests a Public Electronic Communications Service for purposes which are outside his or her trade, business or profession;

“**General Conditions of Entitlement**” means the general conditions set under section 45 of the Act by Ofcom on 19 September 2017 by way of a Notification published pursuant to section 48(1) of the Act, and modified by Ofcom from time to time;

“**Facility**” shall be interpreted in accordance with section 120(14) of the Act;

“**National Telephone Numbering Plan**” means a document published by Ofcom from time to time pursuant to sections 56 and 60 of the Act;

“**Non-Geographic Number**” has the meaning given to it in the National Telephone Numbering Plan;

“**Relevant Service**” means a service which consists in—

- (a) the provision of the contents of communications transmitted by means of an electronic communications network; or
- (b) allowing a Consumer of an electronic communications service to make use, by the making of a transmission by means of that service, of a Facility made available to Consumers of the electronic communications service;

“**Service Charge**” means the rate set by a Communications Provider in accordance with General Condition B1 of the General Conditions of Entitlement in respect of the conveyance of a call to an Unbundled Tariff Number to the point of termination and the enabling of a Consumer to use an Unbundled Tariff Number to access a Relevant Service provided by means of that number;

“**Service Provider**” means a person other than a Communications Provider who is allocated or makes use of an Unbundled Tariff Number for the purpose of enabling Consumers to access a Relevant Service; and

“**Unbundled Tariff Number**” means a Non-Geographic Number starting 084, 087, 090, 091, 098 or 118.

2. For the purpose of interpreting the condition set out in Part 2 of this Schedule:

- (a) words or expressions shall have the meaning ascribed to them in this Part 1 and otherwise any word or expression shall have the same meaning as it has in the Act;
- (b) the Interpretation Act 1978 shall apply as if the condition were an Act of Parliament; and
- (c) headings and titles shall be disregarded.

Part 2: The Condition

Condition 1 – Advertising requirements in relation to the use of a telephone number

- 1.1 This condition applies where a Service Provider advertises, promotes or procures the advertisement or promotion of any Unbundled Tariff Number in connection with the provision by the Service Provider of a Relevant Service to Consumers by means of that Unbundled Tariff Number.
- 1.2 The Service Provider shall include or procure the inclusion in any advertising and promotion of the Unbundled Tariff Number the Service Charge which applies in respect of a call by a Consumer to that number.
- 1.3 The Service Provider shall ensure that the Service Charge is displayed in a prominent position and in close proximity to the Unbundled Tariff Number in any such advertising or promotion of the Unbundled Tariff Number.